

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
EASTERN DIVISION**

NERSIUS ADONLIEL ARTISANI,

Plaintiff,

vs.

STATE OF IOWA, *et al.*,

Defendants.

No. 23-CV-2045-CJW-MAR

**MEMORANDUM, OPINION, and
ORDER**

This matter is before the Court on a Title 42, United States Code, Section 1983 complaint filed by plaintiff Nersius Artisan.¹ Along with his complaint, plaintiff provided a credit card number to pay the filing fee. (Doc. 1-1). However, the Clerk of Court does not accept filing fees via credit card numbers sent through the mail. The Clerk of Court sent plaintiff a response stating as much. (Doc. 1-2).

Typically, for a court to authorize the commencement of an action without the prepayment of the filing fee, a person must submit an affidavit that includes a statement of all the assets the person possesses. *See* Title 28, United States Code, Section 1915(a)(1). In addition, a prisoner must submit a certified copy of the trust fund account statement (or institutional equivalent) for the 6-month period immediately preceding the filing of the complaint, obtained from the appropriate official of each prison at which the prisoner was or is confined.² *See* Section 1915(a)(2).

However, an incarcerated plaintiff is prohibited from applying to proceed in forma pauperis if he or she has three qualifying “strikes” pursuant to Title 28, United States

¹ Plaintiff was previously known as Roger Joseph Hoffert, Jr. (*See* Doc. 1 at 23-24).

² Plaintiff is currently incarcerated at the Black Hawk County Jail in Waterloo, Iowa.

Code, Section 1915(g).³ Plaintiff has three qualifying strikes. *See* 21-CV-2009-CJW-MAR, Doc. 5 (denying plaintiff's motion to proceed in forma pauperis because he has at least three qualifying strikes). Because plaintiff has three strikes, he will be given 30 days from the date of this order to pay the full \$402 filing fee in the appropriate manner required by the Clerk of Court.⁴ If plaintiff does not pay the filing fee, this case will be dismissed with no further order of the court.

IT IS SO ORDERED this 7th day of June, 2023.



C.J. Williams
United States District Judge
Northern District of Iowa

³ That Section states:

In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

Section 1915(g). Plaintiff does not allege he is in danger of serious injury.

⁴ This includes the \$350 filing fee set out by Title 28, United States Code, Section 1914(a) and the additional \$52.00 administrative fee required when filing all civil actions. *See Id.*, *Judicial Conference Schedule of Fees*, No. 14 (“Administrative fee for filing a civil action, suit, or proceeding in a district court, \$52. . .”)